

THOMAS CONNELL

IBLA 82-977

Decided January 27, 1983

Appeal from decision of Eastern States Office, Bureau of Land Management, rejecting acquired lands oil and gas lease offer ES 25398.

Affirmed.

1. Oil and Gas Leases: Acquired Lands Leases -- Oil and Gas Leases:
Description of Land

An acquired lands oil and gas lease offer is properly rejected when the metes and bounds description in the offer is stated as starting from corner 1 of tract S-18, when in actuality, the metes and bounds description originates from corner 2 of tract S-18. BLM is not required to alter, modify, or correct the metes and bounds description in an over-the-counter acquired lands oil and gas lease offer in order to resolve a disparity in the land description.

APPEARANCES: Thomas Connell, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Thomas Connell appeals the Eastern States Office, Bureau of Land Management (BLM), decision of May 17, 1982, which rejected his over-the-counter acquired lands oil and gas lease offer ES 25398 because of an error in the metes and bounds description in the offer. The description in the offer attempts to describe a portion of tract S-18 in the George Washington National Forest, Augusta County, Virginia, reciting that the description commences at corner 1 of tract S-18.

The Forest Service reported that the tract sought by appellant actually originates from corner 2 of tract S-18.

Appellant states that his use of corner No. 1 was because of a typographical error, and that there is no question of the identity of the land sought to be leased.

[1] BLM is not required to alter, modify, or correct an over-the-counter oil and gas lease offer to resolve a disparity in the land description contained therein. C. C. Hughes, 33 IBLA 237 (1977). An oil and gas lease offer is properly rejected when the description tie to a corner of R. 1 E., which locates the land in R. 1 E., whereas the offeror is applying for land in R. 2 E. Charles J. Babington, A-30449 (Nov. 30, 1965). An oil and gas lease offer is properly rejected when it does not adequately describe the land applied for. Chalfant, Magee & Hansen, Inc., 13 IBLA 252 (1973).

So, in this case, where the metes and bounds description did not correctly describe the tract sought, stating the metes and bounds description began at corner 1 of tract S-18, whereas the correct description of the parcel sought would have begun at corner 2 of tract S-18, BLM properly rejected the offer.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Douglas E. Henriques
Administrative Judge

We concur:

Gail M. Frazier
Administrative Judge

Will A. Irwin
Administrative Judge

